IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 20404 OF 2005

Date: 27.09.2005

BETWEEN:

Gangavaram Gram Panchayat

.... PETITIONER

Vs.

1. The Divisional Panchayat Officer, Dharmavaram Division, Ananthapur District, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 20404 OF 2005

ORDER:

Gangavaram Gram Panchayat, Anantapur District is the petitioner herein. The writ petition is filed seeking a declaration that the action of the respondents in interfering with the right of the Gram Panchayat in disposing of the withered and windfallen trees on the banks of “Oorimundari Cheruvu” situated in Gangavaram Gram Panchayat, as illegal and arbitrary. In support of the writ petition, the Sarpanch, who filed the affidavit alleging that at the behest of the fourth respondent, the third respondent directed the Gram Panchayat not to remove the withered and windfallen trees.

Heard learned counsel for the petitioner, the learned Assistant Government pleader for Revenue (General) and the learned Assistant Government Pleader for Panchayat Raj. In exercise of powers under Section 58 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short ‘the Act’) the Government of Andhra Pradesh promulgated Andhra Pradesh

Panchayat Raj (Sale of Usufruct and Trees Vested in Gram Panchayat) Rules, 2000 (for short 'the Rules'). As per Rule 5(2) of the Rules, the Gram Panchayat shall have a right to sell withered and windfallen trees. In the scheme of the Rules as well as the provisions of the Act, the Mandal Revenue Officer or Water Users Association have no right insofar as withered or windfallen trees are concerned.

Therefore, the Writ Petition is disposed of at the admission stage observing that under Rule 5(2) of the Rules it is only the Gram Panchayat, which shall have a right to deal with the withered and windfallen trees within its jurisdiction. The Mandal Revenue Officer or Water Users Association cannot have any objection against the same.

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(**V.V.S. RAO, J.)**

27th September, 2005

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